

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ENTERTAINMENT BY J & J, INC.

Plaintiff,

v.

BRIDGES CAFE
CORPORATE DEFENDANT
d/b/a BRIDGES CAFE

and

KEVIN KONIECZNY

Defendants.

Civil Action No. 02-03006(JF)

ORDER

ANDAND NOW, this day of , 2003, 2003,, 2003, upon consideration of, 2003, upon consideration of
andand Kevin Konieczny's Motion to Compel Plaintiff, Entertainment by J & J, Inc.'s Responses to Defendant's
Interrogatories and Request for Production of Documents, and any response thereto:

ITIT IS hereby **ORDERED** and **DECREED** that Defendants' Motion that Defendants' Motion to Compel is **GRAN**
Plaintiff, Plaintiff, Entertainment by J & J, Inc., is **ORDERED** and shall and shall provide complete and verified answers to Defendant's
InterrogatoriesInterrogatories and full and complete responses to Defendants' First Request for Production of DocumentsInterrogatorie
(10) days from the entry of this Order.

BY THE COURT:

FULLAM, U.S.D.C.J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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Plaintiff,

v.

BRIDGES CAFE
CORPORATE DEFENDANT
d/b/a BRIDGES CAFE

and

KEVIN KONIECZNY

Defendants.

Civil Action No. 02-03006(JF)

**DEFENDANT, BRIDGES CAFE AND KEVIN KONIECZNY'S MOTION TO COMPEL RESPONSES TO
DEFENDANT'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

AND NOW, comes Defendant, Bridges Cafe and Kevin Koeniczny's Motion to Compel Plaintiff, Entertainment by J & J, Inc. to provide full, complete and verified answers to Defendant's Interrogatories and to provide fully responsive documents to Defendants' Request for Production of Documents and in support of same, Defendant avers as follows:

1. On or about December 11, 2000, Defendants, Bridges Cafe and Kevin Koeniczny served Interrogatories and Request for Production of Documents upon Plaintiff, Entertainment by J & J, Inc., by and through counsel. (See Exhibit "A").

2. Plaintiff has not responded to Defendants' Interrogatories although the time for response under Fed. R. Civ. P. 33 has elapsed.

3. Plaintiff has not responded to Defendants', Request for Production of Documents although the time for response under Fed. R. Civ. P. 34 has elapsed.

4. Defendants' are entitled to discovery of the circumstances surrounding the incident, any types of investigation, names of expert witnesses, etc. on the ground that the information sought is not privileged and relevant to the subject matter involved in the pending action. The information sought is reasonably calculated to lead to the discovery of admissible evidence.

5. Counsel for the Defendants' has made a reasonable effort to reach agreement with opposing attorneys on the matters set forth in this motion but has failed to resolve this discovery dispute. On January 13, 2003, Defendants' counsel forwarded a letter to Plaintiff's counsel again requesting answers to Defendant's interrogatories. Plaintiff's counsel has failed to respond accordingly. (See Exhibit "B").

6. Pursuant to Local Rule 26.1(f), Plaintiff's attorney has made reasonable effort to resolve this discovery dispute, however it has been unsuccessful and now requires the intervention of this Honorable Court.

7. Pursuant to Local Rule 26.1(g) of the United States District Court for the Eastern District of Pennsylvania, no accompanying brief need be filed.

8. Lastly, Local Rule 26.1(g) does not require the attachment of the interrogatories.

9. The instant Motion is filed in good faith after a reasonable effort was made to obtain the requested discovery, without court action and any objections [sic] by Plaintiff is not "substantially justified".

WHEREFORE, Defendants, Bridges Cafe and Kevin Koeniczny respectfully request this Honorable Court Order Plaintiff to provide complete and verified answers to Defendants' Interrogatories and to provide fully responsive documents to Defendants' Request for Production of Documents within ten (10) days from the entry of this Order.

Respectfully submitted,

GALERMAN & TABAKIN, LLP

BY: _____
JONATHAN J. SOBEL
Attorney for Defendant

Date: January 23, 2003

CERTIFICATION OF CONCURRENCE

Pursuant Pursuant to Local Rule 26.1(f), of the Local Pursuant to Local Rule 26.1(f), of the Local Rules of Civil Procedure, for for the Eastern District of Pennsylvania, this Motion is presented after the parties for the Eastern District of Pennsylvania, this Motion are unable to resolve the dispute.

DATE:

JONATHAN J. SOBEL, ESQ.

EXHIBIT "A"

December 11, 2002

Ronald J. Harper, Esquire
HARPER & PAUL
140 West Malpewood Avenue
Philadelphia, PA 19144

RE: Entertainment by J & J, Inc. v. Bridges Cafe, et al.
No.: 02-cv-03006(JF)

Dear Mr. Harper:

Enclosed please find an original and one copy of *Defendants, Kevin Konieczny and Bridges Cafe's First Set of Interrogatories* addressed to Plaintiff, Entertainment by J & J, Inc., in the above matter. Kindly respond to same within the time frame allotted by F.R.C.P. 34.

Additionally, enclosed please find an original and one copy of *Defendant, Kevin Konieczny's First Set of Interrogatories* addressed to Plaintiff, Entertainment by J & J, Inc. Kindly respond to same within the time frame allotted by F.R.C.P. 33.

Should you have any questions regarding the contents of this letter, please contact the undersigned.

Very truly yours,

GALERMAN, TABAKIN & SOBEL,

JONATHAN J. SOBEL

JJS/cl
Enc.

EXHIBIT "B"

January 13, 2003

Sharon N. Harvey, Esquire
HARPER & PAUL
140 West Malpewood Avenue
Philadelphia, PA 19144

RE: Entertainment by J & J, Inc. v. Bridges Cafe, et al.
No.: 02-cv-03006(JF)

Dear Ms. Harvey:

Please be advised that I received the enclosed documents under cover of letter. Please be advised that I received the letter. Curiously, the letter is addressed to an "Attorney Kerry", at my address and office. Curiously, the letter is self-explanatory and appears to be directed towards someone self-explanatory and appears to be intended for me, they are rather incomplete and do not include any attachments.

I make no comments regarding the contents of this apparently mistaken transmission.

Further, in reviewing my file, I see that you have not yet responded to my request for Production of Documents which were served on **December 11, 2002**.

This request is being made pursuant to F.R.C.P. 37 and L.R. Civ. P. 26.1(f). Please consider this as a good faith attempt to resolve this discovery dispute without the need for judicial intervention.

If there is any reason why I cannot expect these answers within five (5) days from the date of this letter, please advise.

PAGE -2-
January 13, 2003
Sharon N. Harvey, Esquire

ShouldShould you have any questions regarding the contents of this letter, please do not heShould you have any question
undersigned.

Very truly yours,

GALERMAN & TABAKIN, LLP

JONATHAN J. SOBEL

JJS/cl
Enc.

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and

KEVIN KONIECZNY

Defendants.

Civil Action No. 02-03006(JF)

CERTIFICATE OF SERVICE

I hereby certify that service of a true and correct copy of the foregoing Motion was served via

First Class Mail, postage pre-paid, upon:

Ronald J. Harper, Esquire
Sharon N. Harvey, Esquire
HARPER & PAUL
140 West Malpewood Avenue
Philadelphia, PA 19144

Respectfully submitted,

GALERMAN & TABAKIN, LLP

BY: _____
JONATHAN J. SOBEL
Attorney for Defendant

Date: January 23, 2003